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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,855	09/23/2005	Toshihiro Yamanaka	4074-20	4776
23117 7590 08/31/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
PAYER, PAUL F				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,855

**Applicant(s)**

YAMANAKA, TOSHIHIRO

**Examiner**

PAUL F. PAYER

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 5/15/2009 and Applicant's supplemental amendment filed on 6/15/2009 have been entered. Claims 6-17 have been amended. No claims have been cancelled. Claim 18 has been added. Claims 6-18 are still pending in the application, with claims 6, 7 and 18 being independent.

### ***Response to Arguments***

2. Applicant's arguments filed with the amendment from 5/15/2009 and the supplemental amendment from 6/15/2009 have been fully considered but are generally moot in view of the new grounds of rejection.

3. With respect to Applicant's arguments, see pages 27-28, filed 5/15/2009, with respect to the 35 U.S.C. 102(b) rejection(s) for Claims 6 and 7, the Examiner respectfully disagrees with Applicant's contention that Shimizu fails to disclose the newly added claim limitation "wherein when the storage unit successively stores the data to be processed, the control unit controls to carry out successive information processing of the data to be processed already stored in the storage unit."

With reference to Shimizu, Fig. 10-11 and [0166]-[0167], Shimizu teaches the multiple print jobs to be processed being stored at step S1003 and information processing being carried out on those jobs at steps S1010, S1011 and S1012.

As such, the amendments filed on 5/15/2009 and 6/15/2009 fail to overcome the references cited by the Examiner in the office action dated 2/17/2009.

***Duplicate Claim Objection***

4. Applicant is advised that should claim 6 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 6-13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (U.S. 2004/0012812).**

**Regarding claims 6, 7 (both Currently Amended) and claim 18 (New), Shimizu**  
discloses an information processing apparatus, comprising:

a storage unit that stores data to be processed (Figs. 1, 10-11 and [0172]/lines 1-3, print data to be processed is stored on the hard drive 106, which corresponds to the storage unit);

a management record unit that records processing contents data representing processing contents of the data to be processed (Figs. 1, 10-11 and [0172]/lines 1-3, print job control information, including a print mode, is stored on hard drive 106; the memory 106 corresponds to the management record unit);

a control unit that controls to carry out information processing, based on the processing contents data recorded in the management record unit, about the data to be processed stored in the storage unit (Fig. 1, and [0166]-[0167], CPU 101, which corresponds to the control unit, executes the printing request based on the print data and print control data stored on hard drive 106);

a resuming unit that resumes, when the information processing is temporarily stopped and resumed, the information processing based on the processing contents data which is not changed between pre- and post-resuming (Figs. 1, 10-11, [0166], [0167] and [0172]/lines 1-3, in the common situation in which printer 100, having lost powered, is powered up, the logic depicted in Figs. 10-11 executes; the CPU 101, corresponding to the resuming unit, executes the logic of Figs. 10-11 based on the print control data stored on hard drive 106; the hard drive 106 being non-volatile memory, the print control data stored therein would not have changed during the printer's loss of power);

an invalidating unit that invalidates the processing contents data recorded in the management record unit (Figs. 10-11 and [0186]/lines 5-8, at step S1022, the CPU 101, which corresponds to the invalidating unit, erases the print control data stored in memory 106; erasing is equivalent to invalidating);

an operation admission unit that makes the invalidating unit operable so that after the information processing is carried out, the invalidating unit invalidates the processing contents data for which the information processing has been carried out (Figs. 10-11 and [0099]/lines 8-15, the CPU 101, i.e., the invalidating unit, is always operable (when under power) and at step S1022 erases all control data for print jobs determined at step S1013 to have execute); and

a limiting unit that limits, when the invalidating unit is operable, the operation of the resuming unit (Figs. 10-11 and [0184]/lines 3-7, Figs. 10-11 depict the operation of the CPU/resuming unit; erasing data from the hard disk at step S1022 is limited at step S1020 by the security level of the data; the logical branch at step S204 corresponds to the limiting unit), wherein the information processing is resumed after deleting a part or all of the processing contents data recorded in the management record unit (the resuming corresponds to CPU 101 executing the logic of Figs. 10-11 after the printer was powered again up, having lost power for awhile; print control data is commonly deleted at step S1022 after it was processed at steps SS1010, S1011 or S1012, some or all of the control data would have been deleted from memory 106 before the printer had lost power, i.e., before the logic of Figs. 10-11 executed (i.e., processing is resumed)),

wherein when the storage unit successively stores the data to be processed, the control unit controls to carry out successive information processing of the data to be processed already stored in the storage unit (Figs. 10-11 and [0166]-[0167], the data to be processed is stored at step S1003 and information processing is carried out at steps S1010, S1011 and S1012).

**Regarding claim 8** (dependent on claim 6, Currently Amended) and **claim 9** (dependent on claim 7, Currently Amended), Shimizu discloses the resuming unit includes a condition maintaining unit that maintains a condition where the storage unit stores the processing contents data while the information processing is stopped (Figs. 9-11 and [0150]/lines 14-23, the print control data, which includes a job file name, i.e., the location of the print data (corresponding to the condition where the storage unit stores the processing contents data), is stored by the CPU 101 on the hard drive 106; it remains stored there while the printer loses power (i.e., while the information processing is stopped)).

**Regarding claims 10** (dependent on claim 6, Currently Amended), **claim 11** (dependent on claim 7, Currently Amended), **claim 12** (dependent on claim 8, Currently Amended) and **claim 13** (dependent on claim 9, Currently Amended), Shimizu discloses:

the process contents data comprises data to be processed and associated information associated with the data (Fig. 2 and [00087]/lines 8-12, at step S201, the CPU receives print requests and associated data and stores them in memory before processing them), and

the limiting unit is structured so as to resume the information processing after all of the processing contents data is deleted from the management record unit (Figs. 10-11, the control executes a loop which include step S1004 to step S1014; if, after a print job is erased at step S1022 all print jobs and associated data stored in memory are deleted, control returns to step S1004 where it waits for new jobs to be received; when a new job is received, it is processed).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (U.S. 2004/0012812).

**Regarding claim 14** (dependent on claim 10, Currently Amended), **claim 15** (dependent on claim 11, Currently Amended), **claim 16** (dependent on claim 12, Currently Amended) and **claim 17** (dependent on claim 13, Currently Amended), Shimizu fails to explicitly disclose the management record unit storing the data to be processed in a condition of being encrypted.

The Examiner takes official notice that it is well known in the art to encrypt print data, specifically confidential data, in order to prevent leakage of such data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to



store print data in Shimizu's system in an encrypted form in order to prevent leakage of such data.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL F. PAYER whose telephone number is (571) 270-7302. The examiner can normally be reached on Mon-Thu 6:15am-3:45pm, 2nd Fri of biweek 6:15am-2:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Q. Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benny Q Tieu/  
Supervisory Patent Examiner, Art Unit 2625

/Paul F. Payer/  
Examiner, Art Unit 2625